

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) WILLIAM H. STOLLER, an individual and trustee of the William H. Stoller Trust,

Plaintiff,

v.

(1) ROBERT A. FUNK, an individual and trustee of the Robert A. Funk Trust, (2) the ROBERT A. FUNK TRUST,
(3) ROBERT E. FELLINGER, and
(4) JERI CRAIG, individuals,

Defendants,

and

EXPRESS SERVICES, INC., a Colorado corporation,

Nominal Defendant.

Case No. 5:11-cv-01144-C

**PLAINTIFF'S OBJECTIONS TO
NOMINAL DEFENDANT EXPRESS SERVICES, INC.'S EXHIBIT LIST**

Plaintiff William H. Stoller submits the following objections to nominal defendant Express Services, Inc.'s exhibit list dated December 24, 2013:

| No. | Date | Description | DEX/Bates No. | Objections |
|-----|----------|--|---------------|------------------------|
| 1. | 09/29/10 | Letter from Cole Ramey to Dennis Rawlinson regarding distributions | | Hearsay; irrelevant |
| 2. | 01/13/11 | Letter from Cole Ramey to Dennis Rawlinson regarding distributions | | Hearsay; irrelevant |

| No. | Date | Description | DEX/Bates No. | Objections |
|-----|----------|---|---------------|---------------------|
| 3. | 02/11/11 | Letter from Cole Ramey to all counsel enclosing materials from December 22, 2010 ESI Board meeting | | Hearsay; irrelevant |
| 4. | 02/21/11 | Letter from Cole Ramey to all counsel regarding implementation of December 2010 ESI Board meeting resolutions | | Hearsay; irrelevant |
| 5. | 04/11/11 | Memorandum from Mr. Bostwick regarding shortfall amount | | Hearsay; irrelevant |
| 6. | 04/18/11 | Letter to all counsel regarding promissory notes | | Hearsay; irrelevant |
| 7. | 12/13/11 | Letter from Cole Ramey to Dennis Rawlinson regarding distributions | | Hearsay; irrelevant |
| 8. | 10/22/12 | Letter from Cole Ramey to Dennis Rawlinson regarding promissory notes | | Hearsay; irrelevant |
| 9. | 03/15/13 | Letter from Cole Ramey to Dennis Rawlinson regarding audit and collateral issues | | Hearsay; irrelevant |
| 10. | 03/17/13 | Letter from Cole Ramey to Dennis Rawlinson regarding audit issues | | Hearsay; irrelevant |
| 11. | 04/26/13 | Letter from Cole Ramey to Dennis Rawlinson regarding security interest and audit issues | | Hearsay; irrelevant |

| No. | Date | Description | DEX/Bates No. | Objections |
|-----|----------|--|---------------|--|
| 12. | 06/07/13 | ESI's objections and responses to Plaintiff's First Set of Interrogatories, and ESI data and records produced to all parties in further response thereto and as identified therein | | Hearsay; irrelevant |
| 13. | 09/13/13 | Letter from Cole Ramey to Dennis Rawlinson regarding interest | | Hearsay; irrelevant |
| 14. | 10/09/13 | Letter from Cole Ramey to Dennis Rawlinson regarding distributions | | Hearsay; irrelevant |
| 15. | 10/09/13 | Letter from Cole Ramey to Dennis Rawlinson regarding meetings | | Hearsay; irrelevant |
| 16. | 11/06/13 | Letter to Dennis Rawlinson enclosing documents produced by ESI | | Hearsay; irrelevant |
| 17. | N/A | Forthcoming response of ESI to letter from Dennis Rawlinson dated August 12, 2013 | | Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced |
| 18. | N/A | Forthcoming response of ESI to letter from Dennis Rawlinson dated October 28, 2013 | | Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced |

| No. | Date | Description | DEX/Bates No. | Objections |
|-----|------|---|---------------|--|
| 19. | N/A | Forthcoming response of ESI to letter from Dennis Rawlinson dated November 12, 2013 | | Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced |
| 20. | N/A | Forthcoming response of ESI to letter from Dennis Rawlinson dated November 20, 2013 | | Hearsay; irrelevant; plaintiff reserves right to raise further objections once exhibit is produced |
| 21. | N/A | All exhibits listed by Plaintiff or Defendants to which ESI does not object. | | Plaintiff incorporates objections to other defendants' exhibits |
| 22. | N/A | Discovery and communications amongst counsel are ongoing; therefore, ESI reserves its right to list additional exhibits which may be generated thereby. | | Plaintiff reserves right to object when exhibits are identified |
| 23. | N/A | Reserved for impeachment/rebuttal exhibits. | | Plaintiff reserves right to object when exhibits are identified |

| No. | Date | Description | DEX/Bates No. | Objections |
|-----|------|--------------------------------------|---------------|---|
| 24. | N/A | Reserved for demonstrative exhibits. | | Plaintiff reserves right to object when demonstrative exhibits are identified |

DATED this 24th day of January, 2014.

s/ Jeffrey T. Sagalewicz

Dennis P. Rawlinson (*pro hac vice*)

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Of Attorneys for Plaintiff William H. Stoller

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2014, I electronically transmitted Plaintiff's Objections to Nominal Defendant Express Services, Inc.'s Exhibit List to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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